

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

**W.P.No. 24837 OF 1996**

Date: 23.01.2007

Between:

Gandla Thirupathi.

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... Petitioner.

And

The Divisional Co-op.Officer/Dy. Registrar of Co-op Societies  
Kamareddy, Nizamabad District and another.

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... Respondents.

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**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN**

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**ORDER:**

The petitioner questions the action of the second respondent in placing him under suspension as arbitrary and illegal. The second respondent is a Primary Agricultural Credit Co-op Society and is not an instrumentality of the State under Article 12 of the Constitution of India.

On being asked as to whether a writ petition was maintainable against Primary Agricultural Credit Co-op Societies, Sri M. Mahender Reddy, learned Counsel for the petitioner, would rely on **Shri Anadi Mukta Sadguru Shree Muktajee Vandasjswami Suvqarna Jayanti Mahotsav Smarak Trust Vs.**

**Rudani**<sup>[1]</sup> to submit that the Primary Agricultural Credit Co-op Society discharges public functions and the writ petition is, therefore, maintainable. I am afraid I cannot agree. In so far as the action of the second respondent-Primary Agricultural Credit Co-op Society in taking disciplinary action, and in placing its employees suspension, is concerned, no public law functions are discharged by it. The relationship between the Society and its employees is governed by the contract of the employment and does not fall in the public law realm. Admittedly the second respondent has not violated any statutory provisions or rules in placing the petitioner under suspension. As held by the Full Bench of this Court, in **Sri Konaseema Co-operative Central Bank Ltd v. N. Seetharama Raju**<sup>[2]</sup>, a writ petition does not lie against a Primary Agricultural Credit Co-op Society Act, such as the second respondent herein, which is a society registered under the A.P. Co-operative Societies Act.

Sri M. Mahender Reddy, learned Counsel for the petitioner, would submit that the petitioner has an alternate remedy under the provisions of the A.P. Shops and Establishments Act and seeks liberty to invoke the said remedy. It is made clear that this writ petition is dismissed only on the ground that the second respondent is not an instrumentality of the state under Article 12 of the Constitution of India and that the writ petition filed thereagainst is not maintainable. This order shall not preclude the petitioner from availing such other remedies as are available to him in law. The writ petition is not maintainable and is accordingly dismissed. No costs.

Date: 23.01.2007

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RAMESH RANGANATHAN, J

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[\[1\]](#) AIR 1989 SC 607

[\[2\]](#) AIR 1990 SC A.P. 171